

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JOHN BERMAN,

Plaintiff,

v.

KNIFE RIVER CORPORATION,

Defendant.

Case No. 5:11-cv-03698-PSG

[PROPOSED] VERDICT FORM

1. Has Mr. Berman proved by a preponderance of the evidence that Knife River was negligent?

Yes _____ No _____

2. Has Mr. Berman proved by a preponderance of the evidence that Knife River was grossly negligent?

Yes _____ No _____

If the answer to both Question Nos. 1 and 2 is "No," do not answer any further questions, and have the presiding juror sign and date this form. If the answer to either Question Nos. 1 or 2, or both, is "Yes," proceed to Question No. 3.

3. Has Mr. Berman proved by a preponderance of the evidence that Knife River's negligence was a substantial factor in causing harm to Mr. Berman?

Yes _____ No _____

If the answer to Question No. 3 is "No," do not answer any further questions, and have the presiding juror sign and date this form. If the answer to Question No. 3 is "Yes," proceed to Question 4.

4. Has Knife River proved by a preponderance of the evidence that Mr. Berman also was negligent, and that Mr. Berman's own negligence was a substantial factor in causing Mr. Berman's harm?

Yes _____ No _____

If the answer to Question No. 4 is "No," proceed to Question No. 6. If the answer to Question No. 4 is "Yes," proceed to Question 5.

5. What percentage of Mr. Berman's injury do you find to have been caused by the negligence of Knife River and what percentage by Mr. Berman?

Knife River _____ Mr. Berman _____

Note: The total percentages must add up to 100%. Proceed to Question No. 6.

6. If you answered "Yes" to Question Nos. 1 or 2, or both, and Question No. 3, what damages has Mr. Berman proved by a preponderance of the evidence? (Do not reduce by any percentages found in Question No. 5.)

Damages _____

DATED: _____

PRESIDING JUROR

After this verdict form has been signed and dated, notify the court that you are ready to present your verdict in the courtroom.

IT IS SO ORDERED.

Dated: August 26, 2014



PAUL S. GREWAL
United States Magistrate Judge

United States District Court
For the Northern District of California